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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,052	03/01/2004	Kuo Tsung-Jung	251209-1150	2867
24504	7590	12/12/2006	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 100 GALLERIA PARKWAY, NW STE 1750 ATLANTA, GA 30339-5948			KAYRISH, MATTHEW	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/791,052	Applicant(s) TSUNG-JUNG, KUO	
	Examiner Matthew G. Kayrish	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 20-23 and 25 have been considered but are moot in view of the new ground(s) of rejection. Claim 24 has been canceled. Claim 20 has been amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20, 22, 23 ~~and 24~~ are rejected under 35 U.S.C. 102(b) as being anticipated by Choi (US Patent Number 5590113).

Regarding claim 20, Choi discloses:

A disk-anchoring device of an optical disk device, comprising:

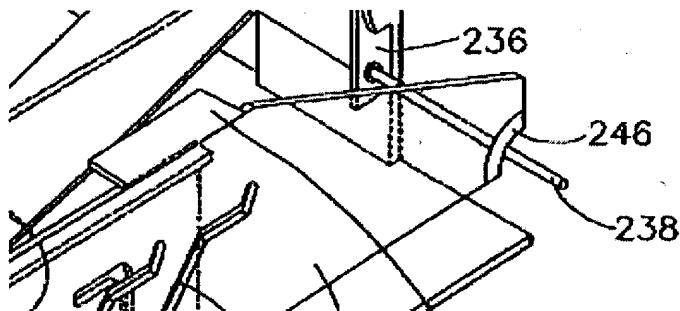
A substrate (figure 3, item 216);

A clamper frame (figure 3, item 222) for holding a clamper (figure 3, item 222), pivoted (figure 3, pivots about item 234) on said substrate (figures 3 & 4) and having a first protrusion portion (figure 2, item 238);

A sliding element (figure 3, item 234), movably mounted on said substrate (column 3, lines 48-52) and having an inclined portion (figure 3, item 246) and a second protrusion (figure 2 below);

Wherein, when said sliding element is moved on said substrate, said first protrusion portion is relatively moved along said inclined portion so as to swing said clamber frame (column 5, lines 11-22).

Wherein after a disk is loaded into the optical disk device, said second protrusion portion abuts and pushes said first protrusion portion (figure 4, item 238 abuts item 246).

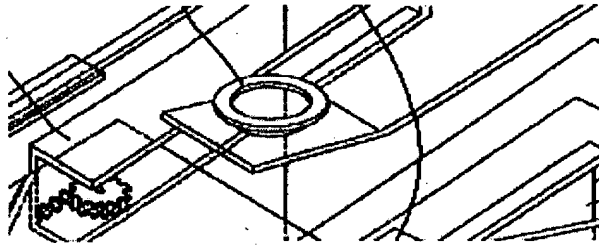


Regarding claim 22, Choi discloses:

The disk-anchoring device as claimed in claim 20, further comprising an elastic element (figure 2, item 242) disposed on said substrate (column 5, lines 35-40) and providing a force (column 5, lines 35-40) on said clamber frame (column 5, lines 35-40).

Regarding claim 23, Choi discloses:

The disk-anchoring device as claimed in claim 20, wherein said clamber frame has a clamping flange (figure 1 below), and said clamber is mounted on said clamping flange (figure 1, item 220 is supported by the clamber flange).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi, in view of Ota et al (US Patent Number 6721263).

Regarding claim 21, Choi fails to disclose:

A disk-anchoring device with a magnetic element in the clasper.

Ota et al disclose:

A disk-anchoring device with a magnetic element in the clasper (column 1, lines 38-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a magnet in the disk clasper of Choi, as taught by Ota et al, because this will further support the disk in place on the disk table.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi, in view of Shirashima et al (US Patent Number 6275465).

Regarding claim 25, Choi fails to specifically disclose:

Wherein said sliding element further has a third protrusion portion, and before a disk is loaded into the optical disk device, said third protrusion portion contacts and supports said first protrusion portion.

Shirashima et al disclose:

Wherein said sliding element further has a third protrusion portion (figure 1, item 33B), and before a disk is loaded into the optical disk device (position of figure 1A), said third protrusion portion (figure 1, item 33B) contacts (#29 contacts #33B) and supports said first protrusion portion (figure 1, item 29 is supported by item 33B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the clasper of Choi with a protrusion to support the clasper by supporting the third protrusion, as taught by Shirashima et al, because this will swing the clasper to the open position and allow the disk to be released, as stated by Shirashima et al in column 7, lines 25-33.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

Art Unit: 2627

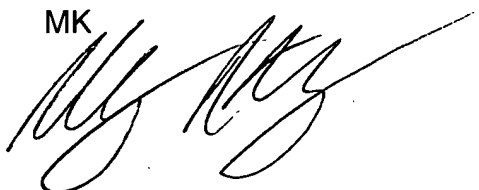
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish

11/28/2006

MK


11/28/06
WAYNE YOUNG
SUPERVISORY PATENT EXAMINER